

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 1, 2003. Claims 24-37 are pending in this patent application. Claims 24-37 stand rejected. Claim 24 has been amended. Claims 43-48 have been added.

Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 24 and 30-37 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent 4,785,930 to Fischer, et al. ("Fischer"). Applicant respectfully traverses these rejections, for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

Claim 24 is directed to a container that includes a storage vessel having a first flange extending from an outer surface of the storage vessel. A first stacking lug is disposed upon the outer surface of the stacking lug. Claim 24 also includes the limitation "wherein the first flange extends from the outer surface of the storage vessel at a location between the access opening and the stacking lug thereby forming a cylindrical neck between the access opening and the stacking lug." *Fischer* does not disclose, teach or suggest each of these limitations. For at least these reasons, Applicant respectfully contends that Claim 24 is patentably distinguishable from the references cited by the Examiner.

The amendments to Claim 24 do not introduce new subject matter, as all limitations are fully disclosed in the specification as originally submitted. For example, see page 9, line 29 through page 10, line 2, and FIGURE 2.

Claims 30-37 each depend, either directly or indirectly, from independent Claim 24. Therefore, Applicant respectfully contends that Claims 30-37 are patentably distinguishable from *Fischer*, for example, for the same reasons discussed above with regard to Claim 24.

Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 25 and 26 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of U.S. Patent 3,599,826 to Rocher ("Rocher"). The Examiner further rejects Claim 25 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer*, in view of *Sietz*. Applicant respectfully traverses these rejections, for the reasons stated below.

Claims 25 and 26 each depend from Claim 24. Therefore, Applicant respectfully contends that Claims 25 and 26 are patentably distinguishable from the references cited by the Examiner, for example, for the same reasons discussed above with respect to Claim 24.

Furthermore, the Examiner relies upon *Rocher* as teaching a "backing ring (19) which backs the first flange on the storage vessel (11) and also the second flange on the end cap (16)." (See Office Action, Page 3). In this rejection, the Examiner is implying that *Rocher* discloses a first flange and a second flange, without specifying which components (e.g., by reference number) of *Rocher* the Examiner is referring to. Applicant's arguments with respect to the rejection of Claims 25 and 26 are included below. However, if the Examiner intends to maintain this rejection of Claims 25 and 26, Applicant respectfully requests that the Examiner provide an indication of which reference allegedly discloses the first and second flanges of Claims 24-26 using reference numerals from Rocher, where possible.

Claim 25 includes all of the limitations of Claim 24, and further includes "a first backing ring having an opening configured to receive the storage vessel therethrough, the backing ring contacting a side of the first flange opposite the access opening and being operable to provide support to the first flange." Furthermore, in accordance with Claim 24,

the first flange "extends from an outer surface of the storage vessel." The Examiner seems to suggest that the clamping ring (19) of *Rocher* is analogous to the backing ring of Claim 25. However, clamping ring (19) does not support the storage vessel of *Rocher*, nor does it support any "flange" that extends from an outer surface of the storage vessel.

Furthermore, clamping ring (19) of *Rocher* does not include "an opening configured to receive the storage vessel therethrough" as in Claim 25. Instead, clamping ring (19) covers the upper portion of end cap (16), when its in the installed position. (See *Rocher*, FIGURE 2). Similarly, clamping ring (19) does not include "an opening configured to receive the end cap therethrough" as in Claim 26.

The Examiner rejects Claim 28 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of U.S. Patent 4,733,773 to LaBianca ("LaBianca"), and Claim 29 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of *LaBianca* and U.S. Patent 4,660,733 to Snyder ("Snyder"). Claim 28 and 29 each depend from independent Claim 24. As discussed above, none of the cited references, either alone or in combination, disclose, teach or suggest all of the limitations of Claim 24. Therefore, Applicant respectfully contends that Claims 28 and 29 are patentably distinguishable from the cited references, and allowance of Claims 28 and 29 is respectfully requested.

The Examiner provisionally rejects Claims 24-37 under the judicially created doctrine of double patenting over co-pending Application No. 09/900,209 (the "'209 Application"). Applicant will abandon the '209 Application, which will render this rejection moot.

Claims 43-48 have been added. These claims are fully supported by the specification as originally submitted. Furthermore, each of these claims depends from Claim 24 and are patentably distinguishable from the references cited by the Examiner for the same reasons discussed above with respect to Claim 24.

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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

The Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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